

2024 -- H 7976 SUBSTITUTE A

LC005113/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- CONDITIONAL
ESCHEAT OF UNCLAIMED FUNDS IN COURT REGISTRIES

Introduced By: Representatives Craven, and Dawson

Date Introduced: March 05, 2024

Referred To: House Judiciary

(Judiciary)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 8-12-1 and 8-12-2 of the General Laws in Chapter 8-12 entitled
2 "Conditional Escheat of Unclaimed Funds in Court Registries" are hereby amended to read as
3 follows:

4 **8-12-1. Report of unclaimed funds in court registries. Report of unclaimed funds held**
5 **by the courts.**

6 (a) The clerks of the supreme, superior, family, district, workers' compensation courts and
7 the traffic tribunal shall, every year during the month of July, ~~return~~ report to the state court
8 administrator those funds which have been on deposit ~~in the registry of the respective court~~ for a
9 period of ~~five (5) years~~ two (2) years or more as of the last business day of June of that year. A
10 sworn statement listing all money or funds shall also be submitted.

11 (b) The statement shall contain as to each deposit or fund:

12 (1) The number, deposit type, and title of the case and the date of the ~~order~~ deposit entered
13 on the case in accordance with which the money was ~~paid into the registry of~~ received by the court;

14 (2) The name and address of the person, persons, firm, or corporation who paid the money
15 into the registry of the court so far as the name and address appears of record;

16 (3) The name and address of the person, persons, firm, or corporation entitled to the money
17 in the registry so far as the name and address appear of record in the case or are otherwise known
18 to the clerk;

1 (4) The amount and date of the deposit in the registry of the court and the amount including
2 accretions from interest or otherwise at the date of the statement; ~~and~~

3 (5) An assertion as to whether or not any claim to the deposit or fund or portion thereof is
4 being actively prosecuted by any person and/or whether such claim has been made during the five
5 (5) years prior to the last business day of June of that year; and

6 (6) An assertion as to whether or not a deposit or fund or portion thereof should be deemed
7 as unclaimed.

8 **8-12-2. Deposit of unclaimed funds.**

9 If, upon examination of the sworn statement required to be filed by the several clerks under
10 the provisions of § 8-12-1, it appears to the state court administrator that there are deposits ~~in the~~
11 ~~registry~~ of the supreme court, the superior court, the family court, the district court, the workers'
12 compensation court and/or the traffic tribunal that ~~have been~~ are unclaimed by any person prima
13 facie entitled to the deposits, or his or her or its representative, ~~for a period of five (5) years~~
14 ~~preceding the last business day of June of the then current year,~~ then all of those unclaimed deposits
15 in the registry of the applicable court, together with any interest on the deposit, shall be paid to the
16 general fund to be held and used by the administrator of the state courts as approved by the chief
17 justice of the supreme court subject to being repaid to the person(s), firm(s) or corporation(s) who
18 may subsequently establish a lawful right to the deposit as provided in § 8-12-3 or escheated to the
19 general treasurer.

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would update the process by which the supreme court reports, holds, and escheats
2 unclaimed property in the court registries by allowing the finance unit of the supreme court to place
3 unclaimed funds into the general fund or escheat them to the general treasurer after two (2) years
4 as opposed to the current five (5) years.

5 This act would take effect upon passage.

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